

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 182, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, line 18, after "experience." insert **"However, the**
- 2 **department may charge the student a fee for responding to a**
- 3 **request for the release of a limited criminal history record."**
- 4 Page 3, between lines 18 and 19, begin a new paragraph and insert:
- 5 "SECTION 2. IC 20-19-3-9 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2009]: **Sec. 9. The department shall establish and maintain a**
- 8 **searchable data base of information concerning employees and**
- 9 **former employees of a school corporation who have been reported**
- 10 **to the department under IC 20-28-5-8. The department shall make**
- 11 **the data base available to the public.**
- 12 SECTION 3. IC 20-26-5-10, AS ADDED BY P.L.1-2005,
- 13 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2009]: Sec. 10. (a) A school corporation, including a school
- 15 township **and a charter school**, shall adopt a policy concerning
- 16 criminal history information for individuals who:
- 17 (1) apply for:
- 18 (A) employment with the school corporation; or
- 19 (B) employment with an entity with which the school
- 20 corporation contracts for services;

(2) seek to enter into a contract to provide services to the school corporation; or

(3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) A school corporation, including a school township **and a charter school**, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section ~~may~~ **must** require ~~any of the following; that the school corporation conduct an expanded criminal history check~~

~~(1) The school corporation, including a school township, may request limited criminal history information concerning each applicant for noncertificated employment or certificated employment from a local or state law enforcement agency before or not later than three (3) months after the applicant's employment by the school corporation.~~

~~(2) Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation to request under IC 10-13-3 limited criminal history information or a national criminal history background an expanded criminal history check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation. The school corporation may require the individual to provide a set of fingerprints and pay any fees required for a national criminal history the expanded criminal history background check.~~

~~(3) Each individual hired for noncertificated employment may be required at the time the individual is hired to submit a certified copy of the individual's limited criminal history (as defined in IC 10-13-3-11) to the school corporation.~~

~~(4) Each individual hired for noncertificated employment may be required at the time the individual is hired to:~~

~~(A) submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3;~~

~~(B) obtain a copy of the individual's limited criminal history; and~~

~~(C) submit to the school corporation the individual's limited~~

criminal history and a document verifying a disposition (as defined in IC 10-13-3-7) that does not appear on the limited criminal history:

(5) Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's ~~limited~~ **expanded** criminal history **check**. The failure to answer honestly questions asked under this ~~subdivision~~ **subsection** is grounds for termination of the employee's employment.

(6) Each individual that:

(A) seeks to enter into a contract to provide services to a school corporation; or

(B) is employed by an entity that seeks to enter into a contract with a school corporation;

may be required at the time the contract is formed to comply with the procedures described in subdivisions (2); (4); and (5): An individual who is employed by an entity that seeks to enter into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program may be required to provide the consent described in subdivision (2) or the information described in subdivisions (4) and (5) to either the individual's employer or the school corporation. Failure to comply with subdivisions (2); (4); and (5); as required by the school corporation, is grounds for termination of the contract. An entity that enters into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program is allowed to obtain limited criminal history information or a national criminal history background check regarding the entity's applicants or employees in the same manner that a school corporation may obtain the information.

(c) If an individual is required to obtain a limited criminal history under this section, the individual is responsible **The applicant is responsible** for all costs associated with obtaining the ~~limited~~ **expanded** criminal history **check**.

(d) (c) Information obtained under this section must be used in accordance with ~~IC 10-13-3-29: law.~~

Page 4, delete lines 3 through 34, begin a new paragraph, and insert:

"SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.151-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), **or when the governing body of a school corporation takes any final action in relation to an employee who engaged in an offense described in subsection (c).**

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

- 1 (9) Child seduction (IC 35-42-4-7).
- 2 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 3 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
- 4 years of age.
- 5 (12) Dealing in or manufacturing cocaine or a narcotic drug
- 6 (IC 35-48-4-1).
- 7 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 8 (14) Dealing in a schedule I, II, or III controlled substance
- 9 (IC 35-48-4-2).
- 10 (15) Dealing in a schedule IV controlled substance
- 11 (IC 35-48-4-3).
- 12 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 13 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- 14 (18) Dealing in marijuana, hash oil, or hashish
- 15 (IC 35-48-4-10(b)).
- 16 **(19) Possession of child pornography (IC 35-42-4-4(c)).**
- 17 (d) A license may be suspended by the state superintendent as
- 18 specified in IC 20-28-7-7.".
- 19 Renumber all SECTIONS consecutively.
- (Reference is to SB 182 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Bray

Chairperson